

03-17-05

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PATENT
Customer No. 22,852
Attorney Docket No. 08702.0079-03000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Celeste et al.) Group Art Unit: 1646
)
Application No.: 10/779,635) Examiner: Elizabeth Kemmerer
)
Filed: February 18, 2004)
) Confirmation No. 9582
For: TENDON-INDUCING)
COMPOSITIONS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

03/21/2005 SFELEKE1 00000020 060916 10779635
01 FD:1605 160.00 DA

The following is a concise statement of relevance of the non-English language documents.

1. JP63181770 discloses compositions comprising artificial bone cured and formed by mixing calcium triphosphate, acid, protein, and water.
2. JP5277174 discloses methods for producing calcium phosphate and gelation bioimplantation materials.
3. JP51-0233901A discloses bioimplantable compositions comprising calcium phosphates, carboxymethyl ketene, collagen, and gelatin.

Applicants include these references because they were cited in other BMP applications assigned to Wyeth, Applicants' assignee. Applicants have not considered or characterized these references, but are simply submitting them for the Examiner's consideration.

Applicants will continue to submit all documents that are material to patentability as they become aware of them.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

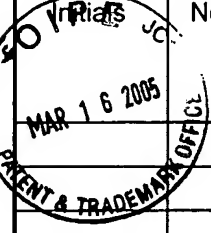
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: 3/16/05

By: 
Elizabeth E. McNamee
Reg. No. 54,696

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/779,635	
			Filing Date	February 18, 2004	
			First Named Inventor	Celeste	
			Art Unit	1645	
			Examiner Name	E. Kemmerer	
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		4,294,753	13 Oct 1981	Urist	
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			<i>Examiner Name</i>	E. Kemmerer	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/779,635
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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Exami ner Initials	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translati on ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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of

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<i>Application Number</i>	10/779,635
<i>Filing Date</i>	February 18, 2004
<i>First Named Inventor</i>	Celeste
<i>Art Unit</i>	1645
<i>Examiner Name</i>	E. Kemmerer
<i>Attorney Docket Number</i>	08702.0079-03000

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				Examiner Name	E. Kemmerer
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